

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

15-CR-6093L

v.

JOHN PAUL MELENDEZ,

Defendant.

The defendant, John Paul Melendez (“Melendez”) pleaded guilty in July 2015 to conspiracy to possess with intent to distribute and to distribute five kilograms or more of cocaine. The plea was entered pursuant to a Plea Agreement, which provided, in pertinent part, for an agreed-upon sentence of 120 months imprisonment, the statutory minimum sentence. (Dkt. #6). The plea was pursuant to Fed. R. Crim. P. 11(c)(1)(C).

The Court accepted the agreement of the parties and sentenced Melendez on October 8, 2015 to 120 months imprisonment. Melendez did not appeal the judgment and sentence.

Melendez now moves (Dkt. #19), *pro se*, for a reduction of his sentence based on changes in the United States Sentencing Guidelines which became effective after Melendez’s conviction. The Government has filed a Response to the motion (Dkt. #21). The Government points out, correctly so, that amendments to the Sentencing Guidelines are irrelevant and inapplicable when the defendant was sentenced pursuant to a statutory minimum term of imprisonment. The Government cites authority that when that is the case, the defendant was not sentenced according to then-applicable

Guidelines, but on account of the statutory minimum and that defendant is entitled to no retroactive relief based on amendments to the Guidelines.

This is especially so in this case since Melendez agreed to the sentence of 120 months, the statutory minimum.

CONCLUSION

John Paul Melendez's motion (Dkt. #19) for a reduction of his sentence is in all respects DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is positioned above a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
May 28, 2020.